

4 with the disc; and

5 limit means supported by the actuator for limiting a range of deflection of the disc in response to application of a non-operational shock to the disc drive to prevent corresponding deflection of the actuator.

Remarks

The present Application is a continuation of parent application No. 09/114,956 filed July 13, 1998, which in turn is a divisional of grandparent application No. 08/659,338 filed June 6, 1996, issued as Patent No. 5,801,899. The parent divisional '956 application was directed to non-elected subject matter in the grandparent application (Species IV, FIGS. 6-7, drawn to an actuator assembly mounted disc snubber) and included originally filed claims 18-24; claims 18-23 were allowed and claim 24 was cancelled from the application. This continuation application has been filed to continue prosecution of the subject matter of claim 24, which has been added as claim 18. Hence, claim 18 is also directed to Species IV, FIGS. 6-7.

The non-final Office Action (Paper No. 6) mailed July 5, 2000 rejected claim 18. A minor amendment has been presented above to independent claim 18 to more explicitly point out that the rigid snubber limits the range of deflection of the disc. This amendment merely clarifies the claim scope without narrowing the same, is proper, does not introduce new matter, and serves to place claim 18 in proper condition for reconsideration and allowance.

The status of the claims is as follows:

Claim

18. (Amended)

Status

Independent.

Rejection of Claim 18 under 35 U.S.C. 102(e)

The 7/5/00 Office Action rejected claim 18 under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 5,422,770 issued to Alt (Alt '770). This rejection is respectfully

traversed.

The Applicant agrees with the Examiner that the claim invokes 35 U.S.C. § 112, sixth paragraph. Additionally, the Applicant submits that the specification and the drawings adequately describe the corresponding structure that carries out the recited function in the claim. Particularly, as shown in FIGS. 6-7, a snubber 100C is mounted to an E-block 20A. The snubber 100C has snubber arms 102C that extend adjacent actuator arms 24 between adjacent discs 18. Deflection of the discs 18 is limited when contact is made between the snubber arms 102C and the discs 18, preventing contact between the discs and the actuator arms. The snubber is constructed from a suitable material which provides the desired mechanical strength to constrain deflection of the discs. See FIGS. 6-7, and the specification at page 9, lines 17-19; page 12, line 8 to page 14, line 1.

However, the Applicant submits that the disclosed structure of Alt '770 does not fall within the range of equivalents of the claimed structure. Particularly, the structure of Alt '770 fails to perform the recited function of "limiting a range of deflection of the disc in response to application of a non-operational shock to the disc drive to prevent corresponding deflection of the actuator." Alt '770 discloses a shock bumper 124 attached to a flexure 408 of an actuator 103. The shock bumper 124 serves as a buffer between the disc 102 and the flexure 408 to prevent contact between the disc and the actuator. However, the shock bumper 124 does not limit the range deflection of the disc, nor does the shock bumper prevent deflection of the actuator, as functionally recited; rather, the shock bumper merely cushions the blow as the flexure deflects with the disc.

According to the *Supplemental Examination Guidelines for Determining the Applicability of 35 U.S.C. 112, P6*, 65 FR 38510, Federal Register Vol. 65, No. 120, June 21, 2000 hereinafter

referred to as the "Guidelines," Part III requires a finding of nonequivalence if the prior art element fails to perform the function specified in the claim. Since Alt '770 fails to perform the specified function, the Applicant submits that the Guidelines require a finding of patentability of claim 18. Reconsideration and withdrawal of the rejection of claim 18 are therefore respectfully requested.

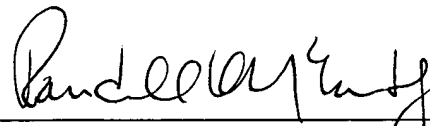
Prior Actions

Although red-lined drawings were filed March 28, 2000 and formal drawings were filed June 7, 2000, no official acknowledgment of receipt has been made for either of these submittals. The Applicant requests that the Examiner verify the status of these submittals so that such can be resubmitted if necessary.

This is intended to be a complete response to the Office Action mailed July 5, 2000 (Paper No. 6). The Applicant requests examination and a favorable indication of allowability of the claim. Should any questions arise concerning this response, the examiner is invited to contact the below-signed attorney.

Respectfully submitted,

By:



Randall K. McCarthy, Registration No. 39,297
Bill D. McCarthy, Registration No. 26,772
Daniel P. Dooley, Registration No. 46,369
Crowe & Dunlevy
1800 Mid-America Tower
20 North Broadway
Oklahoma City, Oklahoma 73102-8273
Telephone: (405) 235-7700
Facsimile: (405) 239-6651